

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION
----- X

Master File No. 1:00-1898
MDL 1358 (SAS), M21-88

This document relates to:

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New Jersey American Water Co., Inc. et al. v. Amerad
Hess Corporation, et al., Case No. 04-CV-1726
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**ORDER OF DISMISSAL WITH
PREJUDICE**

The Plaintiff and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement¹, and Plaintiff has now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation
Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

Doc. 2021

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiff and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

¹ The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. *See* Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:

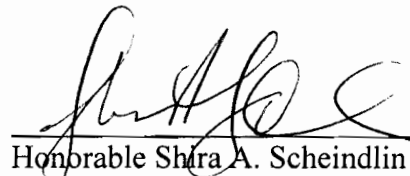

Honorable Shira A. Scheindlin

EXHIBIT A

The Settling Defendants below are named defendants in the case of *NJ American Water Co., Inc. et al. v. Amerada Hess Corporation, et al.*, Case No. 04-CV-1726 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Amerada Hess Corporation
2. Ashland Inc.
3. Atlantic Richfield Company (individually and d/b/a ARCO Products Company, f/k/a ARCO Petroleum Co. and a/k/a ARCO
4. BP Products North America, Inc. (individually and as successor-by-merger to Amoco Oil Company and BP Exploration and Oil Inc. successor-by-merger to BP North America Inc.)
5. ChevronTexaco Corporation (individually and as successor-in-interest to Chevron Corporation and as successor-in-interest to Texaco, Inc.)
6. Chevron U.S.A., Inc. (individually and f/k/a Gulf Oil Corporation, d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
7. CITGO Petroleum Corporation
8. CITGO Refining and Chemicals Company, LP
9. Coastal Eagle Point Oil Company
10. Coastal Oil New England
11. ConocoPhillips Company (f/k/a Phillips Petroleum Company individually and as successor-in-interest to Tosco Corporation, and d/b/a Phillips 66 Company)
12. El Paso Merchant Energy-Petroleum Company (individually and f/k/a Coastal Refining and Marketing, Inc. and f/k/a Coastal States Trading, Inc.)
13. Equilon Enterprises, LLC (individually and d/b/a Shell Oil Products US individually and as successor-by-merger to Equiva Services LLC)
14. Flint Hill Resources LP f/k/a Koch Petroleum Group, LP
15. Lyondell-CITGO Refining, LP
16. Marathon Ashland Petroleum, LLC
17. Marathon Oil Company
18. Motiva Enterprises, LLC (individually and f/k/a Star Enterprises LLC)
19. PDV Midwest Refining LLC
20. The Premcor Refining Group Inc. individually and f/k/a Clark Refining
21. Shell Oil Company
22. Shell Oil Products Company
23. Shell Oil Products Company, LLC
24. Shell Petroleum, Inc.
25. Shell Trading (US) Company (individually and f/k/a Equiva Trading Company and a/k/a STUSCO)
26. Sunoco, Inc. (individually and f/k/a Sun Oil Company and f/k/a Sun Company, Inc. and as successor-in-interest to Coastal Eagle Point Oil Company)
27. Sunoco, Inc. (R&M) (individually and f/k/a Sun Refining and Marketing Company and f/k/a Sun Company, Inc. (R&M))
28. Texaco, Inc.
29. Texaco Refining & Marketing (East), Inc.

30. TMR Company (f/k/a Texaco Refining and Marketing, Inc. individually and as successor-by-merger to TRME Company f/k/a Texaco Refining and Marketing (East) Inc.)
31. Tosco Corporation (individually and as predecessor-in-interest to ConocoPhillips Company and a/k/a Tosco Refining Company and a/k/a Tosco Marketing Company)
32. TPI Petroleum, Inc.
33. Union Oil Company of California d/b/a Unocal
34. Unocal Corporation (individually and f/k/a Union Oil Company of California)
35. Valero Energy Corporation
36. Valero Marketing and Supply Company
37. Valero Refining and Marketing Company
38. Valero Refining Company
39. Valero Refining Company-New Jersey